IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(***Special Original Jurisdiction***)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.9825 of 2005

Between:

K. Adinarayana, s/o. Narayanappa, Pandi Parthy Village,

Somadepalli Revenue Mandal, Anantapur district.

..... PETITIONER

A N D/

1 The Joint Collector (Civil Supplies), Anantapur District.
2 The Revenue Divisional Officer, Penukonda, Anantapur District.
3 The Mandal Revenue Officer, Somande Palli, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or orders more particularly one in the nature of Writ Mandamus declaring the proceedings issued by the 2nd respondent i.e., R.C.No.2504/04-E dt.10.3.2005 and consequently, proceedings issued by the 1st respondent in R.c.No.K4/370/2005 dt.1.04/2005 is arbitrary, illegal and violation of A.P. Distribution System (Control) Order 2001 and consequently direct the respondents to restore the authorization of Petitioners F.P. Shop dealer of Pandiparthi village, Somandepalli Mandal, Anantapur District.

Counsel for the Petitioner: MR.J.SREENIVASULU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following: (order follows 2nd page)

O R D E R :

This writ petition is filed questioning the inaction of the second respondent in issuing the show cause notice dated 10-3-2005 in RC.No.2504/04-E suspending the authorization of fair price shop of Pandiparthyi village of Somandepalli Mandal and also the consequential proceedings dated 01-4-2005 passed in RC.No.K4/370/2005 by the first respondent as arbitrary, illegal and violation of A.P. Distribution System (Control) Order 2001 and consequently to direct the respondents to restore his authorization of fair price shop of Pandiparthi village of Somandepalli Revenue Mandal of Anantapur district.

The petitioner submits that he was appointed as Fair Price Shop Dealer on temporary basis vide Proceedings L.Dis.No.2245/2000/H, dated 22-12-2000. The Mandal Revenue Officer, Somandepalli submitted a report to the Revenue Divisional Officer, Penukonda, on 06-11-2004 in RC.No.513/2004 stating that the fair price shop dealer of Pandiparthy village is not distributing the essential commodities to the cardholders and committed certain irregularities in distribution of essential commodities. On the basis of the said report, a show cause notice dated 27-11-2004 in RC.No.2046/04-E was issued to the petitioner. Pursuant to the said show cause notice, the petitioner submitted his explanation on 13-12-2004 but the Revenue Divisional Officer, Penukonda without considering the explanation of the

petitioner issued Proceedings RC.No.2504/04-E dated 10-3-2005, pending enquiry into the iregularities suspended his authorization on the ground that the petitioner has failed to distribute 20 Kgs of PDS rice instead he distributed 16 Kgs of PDS rice to the cardholders bearing Nos.432598, 432690, 433838, 433989 and that apart he has contravened clause 17 of the APSPDS (Control) Order, 2001. Further the Revenue Divisional Officer, Penukonda framed five charges for contravening the above provision of law. Assailing the orders passed by the Revenue Divisional Officer, Penukonda, the petitioner filed an appeal before the Joint Collector, Anantapur and the same was admitted without granting any stay or suspension of the impugned proceedings, which are now under challenge.

Heard the learned counsel for the petitioner as well as the learned Govt.Pleader for Civil Supplies.

Without going into the merits or otherwise, this court sitting under Article 226 of the Constitution of India deems fit and appropriate to direct the first respondent to consider and dispose of the appeal filed by the petitioner against the suspension orders of Revenue Divisional Officer, Penukonda in Rc.No.2504/2004, dated 03-12-2004 within a period of six weeks from the date of receipt of a copy of this order on merits and in accordance with law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

APRIL27th, 2005. ----------

I S L. ELIPE DHARMA RAO , J.

To

1 The Joint Collector (Civil Supplies), Anantapur District.
2 The Revenue Divisional Officer, Penukonda, Anantapur District.
3 Mandal Revenue Officer, Somande Palli, Anantapur District.

4 One CC to Govt.Pleader for Civil Supplies, High Court

Buildings, High Court of AP Hyderabad (OUT).

5 One CC to Mr.J.Sreenivasulu, Advocate for the petitioner,

Advocates' Association, High Court of AP Hyderabad.

6 Two CD Copies.